

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BERNARD FRACTION,

Plaintiff,

vs.

RANDY JAMES, and VANDELAY  
INVESTMENTS,

Defendants.

**8:17CV101**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's Notice of Appeal ([Filing No. 8](#)), filed on May 10, 2017. Plaintiff appeals from the court's May 1, 2017, Judgment ([Filing No. 7](#)) and Memorandum and Order ([Filing No. 6](#)), in which the court dismissed this matter without prejudice .

Plaintiff was previously granted leave to proceed in forma pauperis in this matter ([Filing No. 5](#)). As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding . . . .

The court finds that because Plaintiff proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED that:

1. Plaintiff is granted leave to proceed in forma pauperis on appeal.
2. The clerk's office shall provide the Eighth Circuit Court of Appeals with a copy of this order.

Dated this 11th day of May, 2017.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge